

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL DEWAYNE WHALEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
UNITED STATES COURTS OF APPEALS	)	
FIFTH CIRCUIT/OFFICE OF THE CLERK,	)	
	)	
Respondent.	)	Civil Action No. 3:18-CV-2816-C

**ORDER**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising that Petitioner Michael Dewayne Whaley's Petition for Writ of Mandamus be dismissed for lack of jurisdiction. Plaintiff timely filed objections to the Magistrate Judge's Recommendations on January 18, 2019.

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having considered Plaintiff's objections, the Court is of the opinion that they are without merit and should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is, therefore, **ORDERED** that the findings and conclusions of the Magistrate Judge are hereby **ADOPTED** as the findings

and conclusions of the Court. For the reasons stated therein, the above-styled and -numbered civil action is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED this 23<sup>rd</sup> day of January, 2019.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE